Plant varieties in trips agreement

6279. SHRI CHIMANBHAI MEHTA:

SHRI SHANKAR DAYAL SINGH:

Will the Minister of COMMERCE be pleased to refer to the answer to Unstarred Questions 3689 given in the Rajya Sabha on the 18th April, 1994 and state:

(a) what is the meaning of plant varieties, give details thereof;

(b) whether TRIPS agreement would allow member countries of WTO to exclude plant verieties from patent protection; details thereof;

(c) if so, the reasons as to why it is necessary to protect plant varieties by 'an effective Sui Generis system';

(d) if so, whether there is any contradiction between the points raised in parts (b) and (c);

(e) who will decide about the efficiency of an 'effective Sui Generis system;

(f) what is meant by suggesting that "the TRIPS text does not refer to UPOV as such countries have been left with greater flexibility in meeting the obligations in this area than would have been by a specific reference to UPOV"; and

(g) what are the obligations that are being referred to above?

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERJEE): (a) to (g) While the TRIPS agreement generally provides for patents being made available in all fields of technology there are some exceptions. One of these exceptions is in the case of plant varieties, where three choices of patenting, an effective sui-generis system or a combination of the two have been provided.

In the case of other intellectual property rights the TRIPS agreement incorporates references to the existing international conventions (Berne Convention for Copyrights, Paris Convention for Patents, for example) but in the case of plant varieties no reference is made to UPOV. This means that in providing a sui-generis system members need not follow the provisions of UPOV.

Provisions of the TRIPS agreement will need to be given effect to through national legislation, which will also provide the definitions. UPOV 1961 defines plant variety as any cultivar, clone, line stock or hybid which is capable of cultivation and which is homogenous and stable. UPOV 1991 defines it as a plant grouping within a single botanical taxon of the lowest rank, which grouping can be defined by characteristics, distinguished from any other plant grouping and considered as a unit with regard to its suitability for being propagated unchanged.

Countries going in for a "Sui-Generis" System for protection of new plant varieties will be Expected to provide reasonable protection to the rights of plants-breeders. While doing so, farmers and researchers' interest can be safeguarded suitably.

Patenting of seeds

6280. SHRI SHANKAR DAYAL SINGH:

SHRI CHIMANBHAI MEHTA:

Will the Minister of COMMERCE be pleased to state:

(a) whether the seeds of various plants researched and innovated in India are patented or are going to be patented;

(b) what are the details of new seeds that India has searched or innovated during the last 20 years and gains to the nation's economy;

(c) whether seeds or plants that may be patented after the year 2000 in any outside country would be available at an affordable prices to Indian farmers;

(d) what are the measures being contemplated against the eventualities of the multinationals attempts not to make seeds available to India or charge

exorbitant price from Indian farmers; and

(e) whether the farmers would retain the right of multiplying imported seeds or seeds bought from multinationals in India and sell them on commercial lands without using the brand name of the company?

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERJEE): (a) to (e) Government do not intend to provide for patenting of seeds in India. The legislation on plant variety protection being considered will, inter-alia, address the issues of the rights of the farmers to save, use, exchange and sell surplus seeds; grant of compulsory licences in certain situations etc. Abuse of intellectual property rights may also be addressed though the law on restrictive trade practices. High yielding and improved varieties of seeds have been developed for the principle crops, but it would be difficult to quantify the gains to the economy.

"गैट" समझौते पर हस्ताक्षर करने वाले देश

6281. श्री शंकर दयाल सिंह : क्या **वाणिज्य** मंत्री यह बताने की कृपा करेंगे कि :

(क) भारत ने किन-किन देशों के साथ "गैट" समझौते के अनुसार मुक्त-व्यापार समझौता किया है ; और

(ख) कृषि-उत्पादों और बीजों के सबंध में इस समझौते की मु य-मुख्य बातें क्या हैं ?

वाणिज्य मंत्री (श्री प्रणब मुखर्जी) : (क) और (ख) कोई मुक्त व्यापार समझौते करने का मुद्दा उरुग्वे दौर के समझौते में शामिल नहीं है । भारत ने 110 अन्य देशों के साथ अंन्तिम अधिनियम पर हस्ताक्षर किये हैं । इन देशों के नाम संलग्न सूची में दिये गये हैं ।

2. कृषि से संबंधित उरुग्वे दौर के समझौते में व्यापार को विकृत करने वाली इमदाद में कमी तथा व्यापार की टैरिफ एवं गैर-टैरिफ बाधाओं को कम करने की व्यवस्था है । टीएस सबंधी समझौते में व्यवस्था है कि सदस्य देश या तो पेटेंटों के द्वारा या प्रभावशाली अपनी किसी अद्वितीय प्रणाली द्वारा या इनके संयोग द्वारा पौधों की किस्मों की सुरक्षा प्रदान करेंगे ।

सूची

वे देश जिन्होंने अंतिम अधिनियम पर 15 अप्रैल, 1994 को हस्ताक्षर किये

अल्जीरिया
अंगोला
एंटीगुआ और बारबुडा
अर्जेन्टीना
आस्ट्रिया
बहरीन
बंगलादेश
बारबडोस
बेल्जियम
बेलाइज
बोनिन
बोलीविया
बोत्सवाना
ब्राजील
बुनाई दारूस्लम
बुरांडो
केमरून
कनाडा
के० अफ्रीकी गण०
चिली
चीन
कोलम्बिया
कांगो
कोस्टा रिका
कोटेड आइवरी
क्यूबा